

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

VINCENT D. IOCOVOZZI

AFFIDAVIT

**Case No.: 13-62035-6-dd
Hon. Diane Davis**

**STATE OF NEW YORK)
COUNTY OF CAYUGA) ss:**

LEE S. MICHAELS, ESQ., being duly sworn, deposes and says:

1. I am an attorney at law, with offices at 17 E. Genesee Street, Ste. 401, Auburn, New York 13021. I am a member of the firm of Michaels & Smolak, P.C., the attorneys of record for the debtor Vincent D. Iocovozzi in an action pending in the Supreme Court of Herkimer County, entitled "*Vincent D. Iocovozzi v. Keith D. Bowers, Esq. v. Audrey Baron Dunning, Esq.*", with Index Number CA2014-000872 (hereinafter the "Legal Malpractice Action").

2. I submit this affidavit in support of the motion filed by the debtor to approve the terms of a settlement of the claims in the Legal Malpractice Action reached on July 6, 2017, and to approve the fee payable to my firm for representing the debtor in the Legal Malpractice Action. (See Docket No. 180.) The hearing has been scheduled for December 7, 2017. (See Docket No. 181.) After several extensive meetings and negotiations over several months at the Oneida County Courthouse, the parties reached a settlement of the claims both in the Legal Malpractice Action and the matrimonial litigation between the debtor and BonNette Iocovozzi before the Hon. Erin Gall, JSC, of Supreme Court Oneida County, the Individual

Assignment System Justice presiding over both cases. The terms of the settlement are confidential.

3. I am in support of this Court's approval of the settlement of the claims in the Legal Malpractice Action for the reasons set forth by Carol A. Malz, Esq., in the motion.

4. Despite my contingency fee agreement previously approved by this Court, which provided for 33 1/3% of the total sum recovered plus reimbursement of expenses and disbursements, I have agreed to take 26.82% of the gross settlement amount plus our expenses. I have compromised my fee in order bring the settlement about.

5. I have worked extensively on this matter. This has included numerous pleadings, document disclosure, document discovery, several lengthy party depositions, and several lengthy negotiations with all counsel and Hon. Erin P. Gall, JSC.



Lee S. Michaels

Sworn to before me this 15th
day of November, 2017.



Notary Public

MICHEL TORTORELLO
Notary Public, State of New York
Cayuga County, # 01DE5016104
Term Expires August 2, 2021